PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BW312R/RVP FOR FURTHER AC			CTION	See Form PCT/IPEA/416	
International application No. Internatio		International filing date (23.03.2004	'day/month/year)	Priority date (day/month/year) 07.04.2003	
International Patent Classification (IPC) or national classification and IPC A23G3/00					
Applicant ROVERIO, Gianluigi					
1.	This report is the international p Authority under Article 35 and tr			this International Preliminary Examining 36.	
2.	2. This REPORT consists of a total of 4 sheets, including this cover sheet.				
3.	This report is also accompanied by ANNEXES, comprising:				
	a. 🗵 sent to the applicant and	to the International Bure	au) a total of 3 shee	ets, as follows:	
	sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).				
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.				
	sequence listing and/or to		omputer readable fo	nber of electronic carrier(s)) , containing a rm only, as indicated in the Supplemental ve Instructions).	
4.	4. This report contains indications relating to the following items:				
	☐ Box No. I Basis of the o	pinion			
	☐ Box No. II Priority				
	☐ Box No. III Non-establish	ment of opinion with rega	ard to novelty, inventi	ve step and industrial applicability	
	☐ Box No. IV Lack of unity	of invention			
	applicability; o	citations and explanations	 with regard to nove supporting such sta 	elty, inventive step or industrial tement	
	☐ Box No. VI Certain docur				
	Box No. VII Certain defec			•	
	☐ Box No. VIII Certain obser	vations on the internation	al application		
Date of submission of the demand		Date of completion o	f this report		
02.	02.02.2005		18.04.2005		
Nan prei	ne and mailing address of the internati iminary examining authority:	onal .	Authorized Officer	Antiches Pateres	
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d			Marzano Monter	osso,	
-	Fax: +49 89 2399 - 4465		Telephone No. +49 8	9 2399-2902	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/IB2004/050318

_	Box No. I Basis of the report		
1.	With regard to the language , this report is based on the international application in the language in which filed, unless otherwise indicated under this item.		
	which is the language of a to international search (und publication of the internation	slations from the original language into the following language, ranslation furnished for the purposes of: ler Rules 12.3 and 23.1(b)) tional application (under Rule 12.4) examination (under Rules 55.2 and/or 55.3)	
2.	With regard to the elements* of	the international application, this report is based on (replacement sheets which iving Office in response to an invitation under Article 14 are referred to in this	
	Description, Pages	•	
	1-4, 7-11	as originally filed	
	5, 6	received on 02.02.2005 with letter of 31.01.2005	
	Claims, Numbers		
	8 (part), 9-18	as originally filed	
	1-7, 8 (part)	received on 02.02.2005 with letter of 31.01.2005	
	☐ a sequence listing and/or an	y related table(s) - see Supplemental Box Relating to Sequence Listing	
3.	 □ The amendments have resulted in the cancellation of: □ the description, pages □ the claims, Nos. □ the drawings, sheets/figs □ the sequence listing (specify): □ any table(s) related to sequence listing (specify): 		
4.	☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). ☐ the description, pages ☐ the claims, Nos. ☐ the drawings, sheets/figs ☐ the sequence listing (specify): ☐ any table(s) related to sequence listing (specify):		
	* If item 4 applies, so	me or all of these sheets may be marked "superseded."	

International application No. PCT/IB2004/050318

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-18

No: Claims

Inventive step (IS) Yes: Claims 1-18

No: Claims

Industrial applicability (IA) Yes: Claims 1-18

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

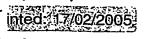
Re Item V_

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D2: (WIENECKE HORST) 17 August 1982 (1982-08-17)

- Document US-A-4344972 (D2), which is considered to represent the most relevant state of the art, discloses a process for the preparation of an edible sugary solution from which the subject-matter of claim 1 differs in that fresh floral material of decorative flowers is used, said material being cultivated with a cultivation technique suitable for the production of edible material, in that the addition of the floral material occurs before the pasteurizing step and in the range of temperatures and processing times of step c.
- 2.1 The subject-matter of claim 1 is therefore new (Article 33(2) PCT).
- 2.2 The problem to be solved by the present invention may be regarded as providing herb-containing sugary confections containing floral material having unusual flavours.
- 2.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: The documents of the available prior art fail to show the use of decorative flowers (in D2 camomile flowers are mentioned) and to explicitly state that said flowers are produced with techniques suitable for the production of edible material. Furthermore the relatively short period of pasteurisation as well as its temperature provide for an efficient transfer of flavours from the floral material to the sugary composition.
- 3 The same arguments apply for independent claims 12 and 15, which are as well considered to comply with the requirements of Art. 33 (1) and (3) PCT.
- 4 Claims 2-11, 14 and 16-18 are dependent on claims 1, 13 and 15 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- With regards to claim 13 it is considered that the subject matter of this claim is equivalent to claim 10.

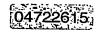


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wisteria)
          -Tiliaceae (e.g., lime tree)
          -Primulaceae (e.g., primrose)
          -Compositae (e.g., daisy,
                                        calendula, dandelion,
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     marigold, sunflower-genus helianthus-100
          species,
                      chrysanthemum,
                                       -chamomile,
                                                       solidago
      (goldenrod), zinnia, yarrow, cornflower)
       --- Boraginacoae (e.g., borage, heliotropium
     -(preferably vanilla)
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          -Rosaceae (e.g., rose, hawthorn, peach tree, almond
     tree, almond leaved pear, cherry tree)
          -Scrophulariaceae (e.g., snapdragons)
          -Liliaceae (e.g., lilium, hyacinth, tulip)
          -Malvaceae (e-g-, mallew)
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          -Hypericaceae (Guttiferae) (e.g., hypericum)
          -Oleaceae
                    (e.g., lilac, -osmanthus,
                                                    forsythia,
     jasmin)
          -Cannabaceae (e.g., hop)
          -Labiatae (e.g., sweet marjoram, lavender, -sage,
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     lemon balm, mint)
          -Violaceae (e.g., pansy, sweet violet, violet)
          -Gesneriaceae (e.g., African violet)
          =Rutaceac (0.g., eweet exampe)
          -Rubiaceae (e.g., asperula)
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          -Lamiaceae (e.g., balleta, basil, resemary)
          -Iriaceae (e.g., iris (iris pallida lam.), Blue
     iris, iris, sword lily, freesia)
          -Amaranthaceae (e.g., pigweed)
          -Passifloraceae (e.g., passionflower)
          -Caryophyllaceae (e.g., carnation)
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          -Geraniaceae (e.g., geranium)
          -Hypericaceae (e.g., hypericum)
         -Ericaceae (e.g., heather)
          -Asteraceae (composiatae) (e.g., pot marigold, curry
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     plant, genepy, daisies)
          -Campanulaceae (e.g., bellflower)
          -Amaryllidaceae (e.g., narcissus, alstroemeria)
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-Brassicaceae (cruciferae) (e.g., bittercress, gillyflower, cardamino)

- -Caprifogliaceae (e.g., alder, viburnum)
- -Tropaeolaceae (e.g., nasturtium)
- -Ranunculaceae (e.g., peony, ranunculus)
 - -Lythraceae (e.g., purple loosestrife)
 - -- Valerianaceae (e.g., valerian)-
 - -Papaveraceae (e.g., poppy)
 - -Resedaceae (e.g., weld)
 - -Nyctaginaceae (e.g., Four-O'Clock)
 - -Convolvulaceae (e.g., convolvulus)
 - -Apiacoao (Umbolliformo) (o.g., dill)

Hence, the floral material harvested in step a. of the process of the invention can be cultivated with organic farming techniques. In another embodiment of the invention the cultivation technique is not the organic one, but is anyhow a technique similar to that used in the horticultural production.

In fact, for those species where biological control does not suffice to obtain a suitable floral material, an integrated control is carried out using plant protection products in observance of their latency periods and exclusively insofar as necessary. For instance, in the Rosaceae there may be an onset of fungal diseases (e.g., verticillum) for which a control with biological products is not sufficient. In these cases, the use of suitable plant protection products (chemical fungicides) is advisable, always observing their latency periods; in fact, in these cases the products can anyhow be intended for human nutrition.

Therefore, according to the invention, the floral material harvested in step a. of the process for the preparation of the sugary solution, is cultivated with techniques useful in the horticultural field for the manufacture of products that can be intended for human nutrition.

Moreover, in order to obtain a floral material of





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CLAIMS

- 1. A process for the preparation of an edible sugary solution containing floral material consisting in the following steps:
- a. harvesting fresh floral material cultivated with cultivation techniques suitable for the production of material that can be intended for human nutrition;
- b. fragmenting said floral material and introducing it in an edible sugary solution;
- c. pasteurising said solution by heating said solution for a period of time ranging from 10 to 20 min at a temperature ranging from about 70°C to about 90°C and rapidly cooling said solution at a temperature ranging from about 10°C to about 0°C.
 - 2. The process according to claim 1, wherein the floral material harvested in step a. is cultivated with organic farming techniques.
 - 3. The process according to claim 1, wherein the floral material harvested in step a. is cultivated with techniques useful in the horticultural field.
 - 4. The process according to any one of the claims 1 to 3, wherein said floral material is harvested when the first petals are completely extended and the full unfolding of the blossom begins.
 - 5. The process according to any one of the claims 1 to 3, wherein said floral material is harvested at full unfolding of the flowers and the petals first unfolded are discarded prior to proceeding with step b..
- 6. The process according to any one of the claims 1 to 5, wherein said floral material is harvested in late spring or early autumn.
- 7. The process according to any one of the claims 1 to 6, wherein said floral material comprises tips or petals or whole flowers or flower parts.
- 8. The process according to any one of the claims 1 to 7, wherein in said sugary solution there are added, in step b., one or more aromas, natural and/or non-